

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

YVETTA D. GREEN,

Plaintiff,

v.

RUSHMORE LOAN MANAGEMENT  
SERVICES, LLC and U.S. BANK  
NATIONAL ASSOCIATION, AS  
LEGAL TITLE TRUSTEE FOR  
TRUMAN 2016 SC6 TITLE TRUST

Defendants.

Case No. 1:22-cv-\_\_\_\_\_

**NOTICE OF REMOVAL**

COME NOW, Rushmore Loan Management Services, LLC (“Rushmore”) and U.S. Bank National Association, as Legal Title Trustee for Truman 2016 SC6 Title Trust (“U.S. Bank” and collectively, “Defendants”), Defendants in the above-styled civil action, and file this Notice of Removal, hereby removing this action to the United States District Court for the Northern District of Georgia, Atlanta Division. Defendants state the following grounds in support of removal:

1. On July 12, 2022, Plaintiff Yvetta D. Green (the “Plaintiff”) filed her Complaint against the Defendants in the Superior Court of Henry County, Georgia.

This case is styled as *Green v. Rushmore Loan Management Services, LLC et al.* and was assigned Case No. SUCV2022001686 (the “State Court Action”). True and correct copies of all filings to date in the State Court Action are, collectively, attached hereto as **Exhibit “A”**.

2. Rushmore was served with process on September 22, 2022. As of this date, there has been no proper service of process on U.S. Bank. Because this Notice of Removal is being filed within 30 days of service on Rushmore, removal is timely under 28 U.S.C. § 1446(b)(1).

3. The United States District Court for the Northern District of Georgia, Atlanta Division, embraces Henry County, Georgia. Removal to this Court is therefore proper under 28 U.S.C. § 1441(a).

4. This Notice of Removal is being filed in accordance with 28 U.S.C. § 1446 and Fed. R. Civ. P. 81(c). In compliance with 28 U.S.C. § 1446(d), Defendants will, upon docketing of the Notice of Removal in this Court, file a copy of the Notice of Removal with the Clerk of the Superior Court of Henry County, Georgia.

#### **FEDERAL QUESTION JURISDICTION**

5. This Court possesses federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the Complaint raises issues and claims under

the laws of the United States. Specifically, the Plaintiff alleges a claim arising under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §§ 1692 *et seq.* and the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. 1681 *et seq.* See Second Am. Compl. (“Compl.”) at p. 1, ¶ 3; p. 4, ¶ 10(A).

6. This Court has supplemental jurisdiction over Plaintiff’s state law claims pursuant to 28 U.S.C. §§ 1367(a). This Court possesses “supplemental jurisdiction over all state law claims which arise out of a common nucleus of operative fact with a substantial federal claim.” *Parker v. Scrap Metal Processors, Inc.*, 468 F.3d 733, 742-43 (11th Cir. 2006) (citation omitted).

7. The Plaintiff’s state law claims are: 1) residential mortgage fraud (Compl., ¶ 4); 2) violations of consumer rights (*id.* at ¶ 5); 3) money laundering (*id.* at ¶ 6); 4) forgery in the first degree (*id.* at ¶ 7); and 5) financial transaction schemes/breach of trust with fraudulent intent (*id.* at ¶ 8). The state law claims and federal claims under the FDCPA and FCRA all arise out of the same set of facts concerning a dispute with the Defendants over the alleged misapplication of mortgage payments. See *id.* at ¶¶ 3-10. Because the state law claims arise from the same nucleus of operative fact as the federal claims, this Court can properly exercise supplemental jurisdiction over the state law claims at issue.

15. By filing this Notice of Removal, the Defendants do not waive any of their jurisdictional objections or affirmative defenses.

WHEREFORE, the Defendants pray that the State Court Action proceed in this Court as an action properly removed, and that no further proceedings be had in said State Court Action.

Respectfully submitted, this 24<sup>th</sup> day of October, 2022.

/s/ Bret J. Chaness

BRET J. CHANESS (GA Bar No. 720572)

**RUBIN LUBLIN, LLC**

3145 Avalon Ridge Place, Suite 100

Peachtree Corners, GA 30071

(678) 281-2730 (Telephone)

(470) 508-9203 (Facsimile)

bchaness@rlselaw.com

*Attorney for Rushmore Loan Management  
Services, LLC and U.S. Bank National  
Association, as Legal Title Trustee for  
Truman 2016 SC6 Title Trust*

**FONT CERTIFICATION**

The undersigned counsel hereby certifies that the within and foregoing was prepared using Times New Roman, 14-point font in accordance with LR 5.1(B).

This 24<sup>th</sup> day of October, 2022.

/s/ Bret J. Chaness

BRET J. CHANESS (GA Bar No. 720572)

**CERTIFICATE OF SERVICE**

I hereby certify that I have, this 24<sup>th</sup> day of October, 2022, served all parties in this matter with the foregoing by placing a true and correct copy of same in the United States Mail, with first-class prepaid postage affixed thereto, properly addressed as follows:

Yvetta D. Green  
205 Talbot Court  
McDonough, GA 30253

/s/ Bret J. Chaness  
BRET J. CHANESS (GA Bar No. 720572)